

Senate Bill No. 707

CHAPTER 553

An act to amend Sections 8482.8, 8483, 8483.1, 8483.7, 8483.75, and 8483.9 of the Education Code, relating to before and after school programs.

[Approved by Governor October 5, 2005. Filed with
Secretary of State October 5, 2005.]

LEGISLATIVE COUNSEL'S DIGEST

SB 707, Kehoe. Before and after school programs.

Existing law, the After School Education and Safety Program, creates incentives for establishing local before and after school enrichment programs and establishes maximum grants for before and after school programs. Existing law allows an applicant for one of those grants to request approval from the Superintendent of Public Instruction, prior to or during the grant application process, to provide services at another schoolsite for either the before or after school component if there is a significant barrier to pupil participation in a before and after school enrichment program at the school of attendance.

This bill would allow a program grantee that is temporarily prevented from operating a program at a given site due to natural disaster, civil unrest, or imminent danger to pupils or staff in addition to other sources of authority to transfer funds, as specified, to transfer funding to other program sites to meet attendance targets during that time period. The bill would allow the State Department of Education to recommend, and the State Board of Education to approve, a request by a program grantee for payment of funds, as specified, in the event that the grantee is temporarily prevented from operating its entire program due to natural disaster, civil unrest, or imminent danger to pupils or staff. The bill would allow the State Board of Education, upon the request of a program grantee, to approve other unforeseen events as qualifying a program grantee to shift funding to other program sites, as specified.

Existing law requires every after school component of a program to operate a minimum of 3 hours a day and at least until 6 p.m. on every regular schoolday.

This bill would authorize the State Department of Education to reimburse a program grantee for up to 125% of the maximum total grant amount for an individual school, upon specified conditions. The bill would require every after school component of a program to commence immediately upon the conclusion of the regular schoolday, and operate a minimum of 15 hours per week, and at least until 6 p.m. on every regular schoolday.

Existing law provides that in no event shall a pupil participate in a before school program less than 1 ½ hours per day to be eligible for funding.

This bill would make a school ineligible for funding for a pupil who attends less than one-half of the daily program hours.

Existing law provides that a program participant receiving state funding may expend no more than 15% of that funding on administrative costs.

This bill would provide that those funds need not be earned through pupil attendance.

The people of the State of California do enact as follows:

SECTION 1. Section 8482.8 of the Education Code is amended to read:

8482.8. (a) If there is a significant barrier to pupil participation in a program established pursuant to this article at the school of attendance for either the before school or the after school component, an applicant may request approval from the Superintendent, prior to or during the grant application process, to provide services at another school site for that component. An applicant that requests approval shall describe the manner in which the applicant intends to provide safe, supervised transportation between school sites; ensure communication among teachers in the regular school program, staff in the before school and after school components of the program, and parents of pupils; and align the educational and literacy component of the before and after school components of the program with the regular school programs of participating pupils.

(b) For purposes of this article, a significant barrier to pupil participation in the before or after school component of a program established pursuant to this chapter means either of the following:

- (1) Fewer than 20 pupils participating in the component of the program.
- (2) Extreme transportation constraints, including, but not limited to, desegregation bussing, bussing for magnet or open enrollment schools, or pupil dependence on public transportation.

(c) In addition to the authority to transfer funds among school programs pursuant to Sections 8483.7 and 8483.75, and in addition to the flexibility provided by subdivisions (a) and (b), a program grantee that is temporarily prevented from operating a program established pursuant to this article at the program site due to natural disaster, civil unrest, or imminent danger to pupils or staff may shift program funds to the sites of other programs established pursuant to this article to meet attendance targets during that time period.

(d) If a program grantee is temporarily prevented from operating its entire program due to natural disaster, civil unrest, or imminent danger to pupils or staff, the department may recommend, and the state board may approve, a request by the grantee for payment equal to the amount of funding the grantee would have received if it had been able to operate its entire program during that time period.

(e) Upon the request of a program grantee, the state board may approve other unforeseen events as qualifying a program grantee to use the authority provided by subdivisions (c) and (d).

SEC. 2. Section 8483 of the Education Code is amended to read:

8483. (a) (1) Every after school component of a program established pursuant to this article shall commence immediately upon the conclusion of the regular schoolday, and operate a minimum of 15 hours per week, and at least until 6 p.m. on every regular schoolday. Every after school component of the program shall establish a policy regarding reasonable early daily release of pupils from the program. For those programs or schoolsites operating in a community where the early release policy does not meet the unique needs of that community or school, or both, documented evidence may be submitted to the department for an exception and a request for approval of an alternative plan.

(2) It is the intent of the Legislature that elementary school pupils participate in the full day of the program every day during which pupils participate and that pupils in middle school or junior high school attend a minimum of nine hours a week and three days a week to accomplish program goals.

(3) In order to develop an age-appropriate after school program for pupils in middle school or junior high school, programs established pursuant to this article may implement a flexible attendance schedule for those pupils. Priority for enrollment of pupils in middle school or junior high school shall be given to pupils who attend daily.

(b) The administrators of a program established pursuant to this article have the option of operating during any combination of summer, intersession, or vacation periods for a minimum of three hours per day at the approved rate for the regular school year pursuant to Section 8483.7.

SEC. 3. Section 8483.1 of the Education Code is amended to read:

8483.1. (a) (1) Every before school program component established pursuant to this article shall commence operation at or before 6 a.m. on every regular schoolday or two hours before the commencement of the regular schoolday. A program may operate less than two hours per regular schoolday, but in no instance shall a program operate for less than one and one-half hours per regular schoolday. Every program shall establish a policy regarding reasonable late daily arrival of pupils to the program.

(2) (A) It is the intent of the Legislature that elementary school pupils participate in the full day of the program every day during which pupils participate and that pupils in middle school or junior high school attend a minimum of six hours a week and three days a week to accomplish program goals, except when arriving late in accordance with the late arrival policy described in paragraph (1) or as reasonably necessary.

(B) A school is not eligible to receive funds provided pursuant to this article for a pupil who attends less than one-half of the daily program hours.

(3) In order to develop an age-appropriate before school program for pupils in middle school or junior high school, programs established

pursuant to this article may implement a flexible attendance schedule for those pupils. Priority for enrollment of pupils in middle school or junior high school shall be given to pupils who attend daily.

(b) The administrators of a before school program established pursuant to this article shall have the option of operating during any combination of summer, intersession, or vacation periods for a minimum of two hours per day at the approved rate for the regular school year pursuant to Section 8483.75.

SEC. 4. Section 8483.7 of the Education Code is amended to read:

8483.7. (a) (1) (A) Every school that establishes a program pursuant to this article is eligible to receive a three-year renewable incentive grant, that shall be awarded in three one-year increments and is subject to annual reporting and recertification as required by the department, for either of the following, as selected by the school:

(i) Up to five dollars (\$5) per day per pupil, if the program serves pupils in elementary, middle, or junior high school.

(ii) Five dollars (\$5) per pupil for each three hours of pupil attendance, with a maximum total reimbursement of twenty-five dollars (\$25) per pupil per week, if the program serves pupils in middle or junior high school. To receive reimbursement pursuant to this subparagraph, the program administrator shall apply to and receive approval annually from the Superintendent. Approval by the Superintendent shall be based on program results.

(B) The maximum total grant amount awarded annually pursuant to this paragraph shall be seventy-five thousand dollars (\$75,000) for each regular school year for each elementary school and one hundred thousand dollars (\$100,000) for each regular school year for each middle or junior high school.

(2) For large schools, the maximum total grant amounts described in paragraph (1) may be increased based on the following formulas, up to a maximum amount of twice the respective limits specified in paragraph (1):

(A) For elementary schools, multiply seventy-five dollars (\$75) by the number of pupils enrolled at the schoolsite for the normal schoolday program that exceeds 600.

(B) For middle schools, multiply seventy-five dollars (\$75) by the number of pupils enrolled at the schoolsite for the normal schoolday program that exceeds 900.

(3) The maximum total grant amounts set forth in subparagraph (B) of paragraph (1) and in paragraph (2) may be increased from any funds made available for this purpose in the annual Budget Act for participating schools that have pupils on waiting lists for the program. Grants may be increased by the lesser of an amount that is either 25 percent of the current maximum total grant amount or equal to the proportion of pupils unserved by the program as measured by documented waiting lists as of January 1, 2001, compared to the actual after school enrollment on the same date. Matching fund requirements shall be increased accordingly.

(4) A school that establishes a program pursuant to this article is eligible to receive a supplemental grant to operate the program during any combination of summer, intersession, or vacation periods for a maximum of the lesser of the following amounts:

(A) Five dollars (\$5) per day per pupil.

(B) Thirty percent of the total grant amount awarded to the school per school year pursuant to this subdivision.

(5) Each program shall provide at least 50 percent cash or in-kind local matching funds from the school district, governmental agencies, community organizations, or the private sector for each dollar received in grant funds. Neither facilities nor space usage may fulfill the match requirement.

(6) (A) The department may reimburse a program grantee for up to 125 percent of the maximum total grant amount for an individual school, so long as the maximum total grant amount for all school programs administered by the program grantee is not exceeded.

(B) In order to be eligible for reimbursement, a program grantee that transfers funds for purposes of administering a program established pursuant to this article shall have an established waiting list for enrollment, and may transfer only from another school program that has met a minimum of 70 percent of its attendance goal.

(b) The administrator of a program established pursuant to this article may supplement, but not supplant, existing funding for after school programs with grant funds awarded pursuant to this article. State categorical funds for remedial education activities shall not be eligible as matching funds for those after school programs.

(c) Up to 15 percent of the initial year's grant amount for each grant recipient may be utilized for startup costs. Under no circumstance shall funding for startup costs result in an increase in the grant recipient's total funding above the approved grant amount.

SEC. 5. Section 8483.75 of the Education Code is amended to read:

8483.75. (a) (1) (A) Every school that establishes a before school program component pursuant to Section 8483.1 of this article is eligible to receive a three year renewable incentive grant, that shall be awarded in three one-year increments and is subject to annual reporting and recertification as required by the department, for either of the following, as selected by the school:

(i) Up to three dollars and thirty-three cents (\$3.33) per day per pupil for a two hour program, if the program serves pupils in elementary, middle, or junior high school. Per pupil reimbursement rates shall be reduced on a prorated basis for those programs which operate for less than two hours per regular schoolday. The rate shall be determined by multiplying 3.33 by the fraction represented by dividing the minutes of operation per day by 120.

(ii) Three dollars and thirty-three cents (\$3.33) per pupil for each two hours of pupil attendance, with a maximum total reimbursement of sixteen dollars and sixty-five cents (\$16.65) per pupil per week, if the program

serves pupils in middle or junior high school. To receive reimbursement pursuant to this subparagraph, the program administrator shall apply to and receive approval annually from the Superintendent. Approval by the Superintendent shall be based on program results.

(B) The maximum total grant amount awarded annually pursuant to this paragraph shall be twenty-five thousand dollars (\$25,000) for each regular school year for each elementary school and thirty-three thousand dollars (\$33,000) for each regular school year for each middle or junior high school.

(2) For large schools, the maximum total grant amounts described in paragraph (1) may be increased based on the following formulas, up to a maximum amount of twice the respective limits specified in paragraph (1):

(A) For elementary schools, multiply fifty dollars (\$50) by the number of pupils enrolled at the schoolsite for the normal schoolday program that exceeds 600.

(B) For middle schools, multiply fifty dollars (\$50) by the number of pupils enrolled at the schoolsite for the normal schoolday program that exceeds 900.

(3) A school that establishes a program pursuant to this article is eligible to receive a supplemental grant to operate the program during any combination of summer, intersession, or vacation periods for a maximum of the lesser of the following amounts:

(A) Three dollars and thirty-three cents (\$3.33) per day per pupil.

(B) Thirty percent of the total grant amount awarded to the school per school year pursuant to this subdivision.

(4) Each program shall provide at least 50 percent cash or in-kind local matching funds from the school district, governmental agencies, community organizations, or the private sector for each dollar received in grant funds. Neither facilities nor space usage may fulfill the match requirement.

(5) (A) The department may reimburse a program grantee for up to 125 percent of the maximum total grant amount for an individual school, so long as the maximum total grant amount for all school programs administered by the program grantee is not exceeded.

(B) In order to be eligible for reimbursement, a program grantee that transfers funds for purposes of administering a program established pursuant to this article shall have an established waiting list for enrollment, and may transfer only from another school program that has met a minimum of 70 percent of its attendance goal.

(b) The administrator of a program established pursuant to this article may supplement, but not supplant, existing funding for before school programs with grant funds awarded pursuant to this article. State categorical funds for remedial education activities shall not be eligible as matching funds for those before school programs.

(c) Up to 15 percent of the initial year's grant amount for each grant recipient may be utilized for startup costs. Under no circumstance shall

funding for startup costs result in an increase in the grant recipient's total funding above the approved grant amount.

SEC. 6. Section 8483.9 of the Education Code is amended to read:

8483.9. (a) A program participant receiving funding pursuant to this article may expend on indirect costs no more than the lesser of the following:

(1) The school district's indirect cost rate, as approved by the department for the appropriate fiscal year.

(2) Five percent of the state program funding received pursuant to this article.

(b) A program participant receiving state funding pursuant to this article may expend no more than 15 percent of that funding on administrative costs, which funding need not be earned through pupil attendance. For purposes of this section, administrative costs shall include indirect costs, as described in subdivision (a).

(c) A program participant receiving state funding pursuant to this program shall ensure that no less than 85 percent of that funding is allocated to schoolsites for direct services to pupils.